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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PHAETHON INTERNATIONAL CO SA.,

Case No.:

Plaintiff,

ADMIRALTY

Fed. R. Civ. Pro. 9(h)

Local Admiralty Rule 3-1

v.

DAUNTLESS SHIPPING AND
TRADING SA, *in personam*,

**PROPOSED ORDER FOR
APPOINTMENT OF SUBSTITUTE
CUSTODIAN**

Defendant.

Upon the Motion of Plaintiff, PHAETHON INTERNATIONAL CO SA. (hereinafter "PHAETHON" or "Plaintiff"), for the Appointment of a Substitute Custodian for the M/V DAUNTLESS in lieu of the United States Marshal in this case, and good cause appearing therefore, it is hereby:

ORDERED that the Plaintiff's Motion is granted, and the United States Marshal shall transfer custody of the M/V DAUNTLESS, immediately following her attachment, to the custody of the substitute custodian, NATIONAL MARITIME SERVICES (hereinafter "National"), by and through its authorized representatives, of 1915 SW 21st Avenue, Fort Lauderdale, Florida 33312; and it is further

ORDERED that upon transfer of the M/V DAUNTLESS to the substitute custodian, the aforesaid substitute custodian shall be appointed to act as substitute custodian of the M/V

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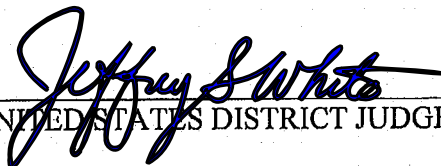
1 DAUNTLESS during *custodia legis* on behalf of this Court, in place and instead of the United
2 States Marshal, until further order of this Court; and it is further

3 **ORDERED** that upon transfer of the M/V DAUNTLESS to the substitute custodian by
4 the United States Marshal, the United States Marshal shall not be liable for any loss occurring
5 while she remains in the custody of the substitute custodian; and it is further

6 **ORDERED** that after the M/V DAUNTLESS is attached, the substitute custodian shall
7 cause and be responsible to have the M/V DAUNTLESS remain at an appropriate berth and/or
8 anchorage within the Northern District of California.

9 **ORDERED** that during *custodia legis*, the substitute custodian, National, will not
10 permit the vessel to be moved, nor repairs or changes to be made to the vessel, without an
11 Order of this Court, except in emergency situations, normal operations, or for routine
12 maintenance or short moves within the boundaries of the Northern District of California that
13 are required for the vessel's safekeeping.

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15 DATED at Oakland, California on this 28th day of August, 2015.

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18 JEFFREY S. WHITE
19 UNITED STATES DISTRICT JUDGE
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